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Re: Submittal of Comments
U.S. Environmental Protection Agency
Proposed Plan
USS Lead Superfund Site – Operable Unit 1

These comments are respectfully submitted on behalf of Atlantic Richfield Company (ARC) regarding the U.S. Environmental Protection Agency (EPA's) Proposed Plan for the U.S. Smelter and Lead Refinery Superfund Site (USS Lead Site) - Operable Unit 1 (OU1) in East Chicago, Indiana. ARC understands and appreciates the complexity of securing technical information and preparing a proposed plan which satisfactorily evaluates the technical, legal and community issues for an area with a long industrial and urban history. ARC is a proponent of using sound science and risk-based corrective measures and as such would like to address several substantive and significant issues consistent with applicable law and in support of good public policy.

Comment 1: ARC recommends the use of site-specific Preliminary Remediation Goals.

EPA guidance states that the nature and extent of contamination should be investigated "such that informed decisions can be made as to the level of risk presented by the site and the appropriate types of remedial response." (*1988 Guidance for Conducting Remedial Investigations and Feasibility Studies, Sections 300.430 (d) (2) and 3.2.4*). Accordingly, the Proposed Plan states that the residential soil Remedial Action Levels (RALs) "were calculated based on site-specific risks and hazards from the HHRA." However, EPA has acknowledged that "insufficient site-specific information... was available to warrant calculation of a site-specific residential soil Remedial Action Level (RAL)." *(May 9, 2012 EPA request for an exemption from review by the National Remedy Review Board, Document ID 424343)*. Rather than using site-specific data, standard published RALs were used to evaluate the risk, options, and to develop the proposed plan forward. ARC recommends the use of site-specific Preliminary Remediation Goals that can be used as RALs.

Comment 2: The range of applicable treatment technologies was not fully evaluated.

ARC believes that the entire range of applicable technologies and alternatives was not evaluated in the process. As an example, in-situ Treatment by Chemical Stabilization (Alternative 5) was screened out early in the process without full consideration. It is not clear in the Proposed Plan, and the USS Lead Site administrative record does not support, why in-situ treatment was dismissed summarily when it has been selected and is currently being implemented by EPA in other regions.

The National Contingency Plan states that the long- and short-term aspects of three criteria -- effectiveness, implementability, and cost -- are to be evaluated in developing and screening remedial alternatives. (*NCP Section 300.430 (e) (7); 1988 RI/FS Guidance Section 4.3.2; 53 FR 51505*). The NCP requires that the degree to which an alternative: 1) reduces toxicity, mobility and volume of contaminants through treatment; 2) the technical and administrative feasibility of implementing an alternative; and, 3) a comparison of relative costs be presented as part of alternatives screening. While EPA's Table 3-1 is identified as representing "streamlined alternative screening," no data discussion or documentation of the information or analysis is presented in the Proposed Plan that adequately support elimination of in-situ treatment.

An example of how in-situ treatment can be successful is represented by the work Region 9 EPA is supporting in the South Prescott neighborhood of Oakland, California. Information about that site indicates that in-situ treatment is likely to be less disruptive to the community, create fewer emissions, leave a reduced environmental footprint, and be cost-effective. Additionally, technical information from the South Prescott site suggests that much of the information entered for the screening analysis of in-situ treatment at the USS Lead Site should either be revised or supplemented with additional site-specific information to determine if in-situ treatment is viable at the USS Lead Site.

Comment 3: There are areas in which data and analysis are not transparent, making a review of the remedy evaluation and selection process difficult.

During a review of the RI and HHRA, ARC attempted to validate the approach by reviewing the data, QA/QC records and the calculations for risk and evaluation. In several cases the review was not possible due to missing or conflicting information. ARC is not questioning the quality of the data or analysis on which the RI and FS are based, but ARC notes a number of steps that could be taken to make the data and analysis more transparent and accurate: including the data validation summary, eliminating conflicts between tables and text, clarifying which data were used in summary statistics, ensuring data locations with XRF and

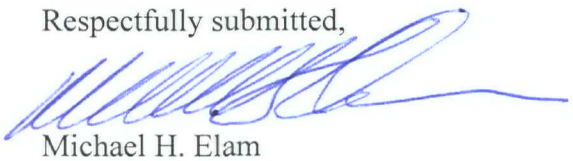
laboratory data were not double represented, and providing tables to indicate which data were included in statistics and how they were used to classify samples as to exceedances. ARC would be pleased to meet with EPA to discuss these items in more detail.

Comment 4: Issues relating to remedial volume estimates should be addressed.

Remedial volume estimates for soil are difficult to follow. It is unlikely that a reader will be able to understand which properties are to be remediated and which properties are not, based on the explanations provided in the Administrative Record, the RI/FS, and the Proposed Plan. In addition, it is difficult for a reader to evaluate the appropriateness of the input parameters used to make the volume estimates. The limited documentation relating to the volume estimates, which is a significant factor in evaluating and selecting a proposed remedy, restricts a meaningful review and comparison of alternatives.

In closing, ARC suggests that EPA further consider its recommended approach using site specific data, sound risk-based science, and environmentally sustainable remedial techniques that ensure a protective remedy while minimizing disruption to the community. If EPA believes it is useful, ARC is willing to meet with EPA to further discuss the basis of these comments and exchange information.

Respectfully submitted,



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